

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

[R05-363]

PREAMBLE

- 1. Sections Affected**
R9-22-701
R9-22-712.08
- Rulemaking Action**
Amend
New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 36-2905.02
Implementing statute: A.R.S. § 36-2905.02
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 3872, October 7, 2005
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
As authorized in A.R.S. § 36-2905.02 promulgation of rule is necessary to describe how the supplemental payment or adjustment to tier rates for rural hospitals will be administered.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Milliman, USA update of cost study as of February 24, 2004 and the Evaluation of the AHCCCS Inpatient Hospital Reimbursement System in the report to the Joint Legislative Committee on the Implementation of Proposition 204 as of November 15, 2002 were used to arrive at equitable costs for rural hospitals. The study is on file and available for review at the Arizona Health Care Cost Containment Administration office at 701 E. Jefferson, Phoenix, AZ 85034.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable

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8. The preliminary summary of the economic, small business, and consumer impact:

The rulemaking will have a moderate economic impact on rural hospitals with less than 100 beds, contractors and the AHCCCS Administration.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

Proposed rule language will be available on the AHCCCS web site www.ahcccs.state.az.us the week of September 26, 2005. Please send written comments to the address in this item by 5:00 p.m., November 16, 2005. E-mail comments are accepted.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: November 16, 2005

Time: 10:00 a.m.

Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Gold Room

Nature: Public Hearing

Date: November 16, 2005

Time: 10:00 a.m.

Location: ALTCS: Arizona Long-term Care System
110 S. Church, Suite 1360
Tucson, AZ 85701

Nature: Public Hearing

Date: November 16, 2005

Time: 10:00 a.m.

Location: ALTCS: Arizona Long-term Care System
3480 E. Route 66
Flagstaff, AZ 86004

Nature: Public Hearing

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION**

ARTICLE 7. STANDARDS FOR PAYMENTS

Section

R9-22-701. Standard for Payments Related Definitions

R9-22-712.08. Rural Hospital Inpatient Supplemental Payment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-701. Standard for Payments Related Definitions

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

“Accommodation” means room and board services provided to a patient during an inpatient hospital stay and includes all staffing, supplies, and equipment. The accommodation is semi-private except when the member must be isolated for medical reasons. Other types of accommodation include hospital routine medical/surgical units, intensive care units, and any other specialty care unit in which room and board are provided.

“Aggregate” means the combined amount of hospital payments for covered services provided within and outside the service area.

“AHCCCS inpatient hospital day or days of care” means each day of an inpatient stay for a member, beginning with the day of admission, including the day of death, but excluding the day of discharge, provided that all eligibility, medical necessity and medical review requirements are met.

“Ancillary department” means the department of a hospital that provides outpatient services and ancillary services, as described in the Medicare Provider Reimbursement Manual.

“APC” means the Ambulatory Payment Classification system under 42 CFR Part 419 used by Medicare for grouping clinically and resource similar procedures and services.

“Billed charges” means charges for services provided to a member that a hospital includes on a claim consistent with the rates and charges filed by the hospital with Arizona Department of Health Services (ADHS).

“Capital costs” means capital-related costs such as building and fixtures, and movable equipment as described in the Medicare Provider Reimbursement Manual.

“Cost-To-Charge Ratio” (CCR) means a hospital’s costs for providing covered services divided by the hospital’s charges for the same services. The CCR is the percentage derived from the cost and charge data for each revenue code provided to AHCCCS by each hospital.

“Covered charges” means billed charges that represent medically necessary, reasonable, and customary items of expense for AHCCCS-covered services that meet medical review criteria of AHCCCS or a contractor.

“Critical Access Hospital” is a hospital certified by Medicare under 42 CFR 485 Subpart F and 42 CFR 440.170(g).

“CPT” means Current Procedural Terminology, published and updated by the American Medical Association, which is a nationally accepted listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and provides a uniform language to accurately designate medical, surgical, and diagnostic services.

“Date of eligibility posting” means the date a member’s eligibility information is entered into the AHCCCS Pre-paid Medical Management Information System (PMMIS).

“DRI inflation factor” means Global Insights Prospective Hospital Market Basket.

“Encounter” means a record of a medically related service rendered by an AHCCCS registered provider to an AHCCCS member enrolled with a capitated Contractor on the date of service.

“Existing outpatient services” means a service provided by the hospital prior to the hospital filing an increase in its charge master, regardless of whether the service was explicitly described in the hospital charge master before filing the increase, or how the service was described in the charge master before filing the increase.

“Free Standing Children Hospital” means a separately standing hospital dedicated to provide the majority of services to

children with at least 120 pediatric beds.

“Global Insights Prospective Hospital Market Basket” means the Global Insights CMS Hospital price index for prospective hospital reimbursement, which is published by Global Insights.

“ICU” means the intensive care unit of a hospital.

“HCPCS” means the Health Care Procedure Coding System, published and updated by Center for Medicare and Medicaid Services (CMS), which is a listing of codes and descriptive terminology used for reporting the provision of physician services, other health care services, other substances, equipment, supplies or other items used in health care services.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, as defined under 45 CFR Part 162, which establishes standards and requirements for the electronic transmission of certain health information by defining codes sets used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

“Level I Trauma Center” means any acute care hospital that is defined under R9-22-2101(F).

“Medical education costs” means direct hospital costs for intern and resident salaries, fringe benefits, program costs, nursing school education, and paramedical education, as described in the Medicare Provider Reimbursement Manual.

“Medical review” means a clinical evaluation of documentation conducted by AHCCCS or a contractor for purposes of prior authorization, concurrent review, post payment review, or medical necessity. The criteria for medical review are established by AHCCCS or a contractor based on medical practice standards that are updated periodically to reflect changes in medical care.

“New hospital” means a hospital for which Medicare Cost Report claim and encounter data are not available for the fiscal year used for initial ratesetting or rebasing.

“NICU” means the neonatal intensive care unit of a hospital that is classified as a Level II or Level III perinatal center by the Arizona Perinatal Trust.

“Non-IHS Acute Hospital” means a hospital that is not run by Indian Health Services and is not a free standing psych hospital, such as an IMD, that is paid via ADHS rates.

“Operating costs” means an AHCCCS allowable accommodation and ancillary department hospital costs excluding capital and medical education costs.

“Outlier” means a hospital claim or encounter in which the operating costs per day for an AHCCCS inpatient hospital stay meet the criteria described under Article 7 of this Chapter and A.R.S. § 36-2903.01(H)

“Outpatient hospital service” means a service provided in an outpatient hospital setting that does not result in an admission.

“Ownership change” means a change in a hospital’s owner, lessor, or operator under 42 CFR 489.18(A).

“Peer group” means hospitals that share a common, stable, and independently definable characteristic or feature that significantly influences the cost of providing hospital services, including specialty hospitals that limit the provision of services to specific patient populations, such as rehabilitative patients or children.

“PPS bed” means Medicare-approved Prospective Payment beds for inpatient services as reported in the Medicare cost reports for the most recent fiscal year for which the Administration has a complete set of Medicare cost report for every rural hospital as determined as of the first of February of each year.

“Procedure Code” means the numeric or alphanumeric code listed in the CPT or HCPCS manual by which a procedure or service is identified.

“Prospective rates” means inpatient or outpatient hospital rates defined by AHCCCS in advance of a payment period and representing full payment for covered services excluding any quick-pay discounts, slow-pay penalties, and first-and third-party payments regardless of billed charges or individual hospital costs.

“Public Hospital” means a hospital that is owned and operated by county, state or hospital health care district.

“Rebase” means the process by which the most currently available and complete year Medicare Cost Report data and AHCCCS claim and encounter data of the corresponding year, are collected and analyzed to reset the Inpatient Hospital Tiered Per Diem rates, or the Outpatient Hospital Capped Fee For Service Schedule.

“Reinsurance” means a risk-sharing program provided by AHCCCS to contractors for the reimbursement of certain contract service costs incurred by a member beyond a certain monetary threshold.

“Remittance advice” means an electronic or paper document submitted to an AHCCCS registered provider by AHCCCS to explain the disposition of a claim.

“Revenue Code” means a numeric code, which identifies a specific accommodation, ancillary service or billing calculation, as defined by the National Uniform Billing committee for UB-92 forms.

“National Standard code sets” means codes that are accepted nationally in accordance with federal requirements under 45 CFR 160 and 45 CFR 164.

“Tier” means a grouping of inpatient hospital services into levels of care based on diagnosis, procedure or revenue codes, peer group, or NICU classification level, or any combination of these items.

“Tiered per diem” means an AHCCCS capped fee schedule in which payment is made on a per-day basis depending upon the tier (or tiers) into which an AHCCCS inpatient hospital day of care is assigned.

R9-22-712.08. Rural Hospital Inpatient Supplemental Payment

- A.** Each state fiscal year, the Administration shall allocate Rural Hospital Supplemental Payment funds to the following three pools:
1. Rural hospitals with fewer than 26 PPS beds.
 2. Rural hospitals with 26 to 75 PPS beds.
 3. Rural hospitals with 76 to 100 PPS beds.
- B.** Each state fiscal year, the Administration shall allocate the Rural Hospital Supplemental Payment funds for that year to each pool in the following manner:
1. Calculate total payments to all rural hospitals as the sum of the claims paid amount used in Milliman study for all rural hospitals plus all disproportionate share hospital payments made by AHCCCS to rural hospitals during federal fiscal year 2002 and all critical access hospital payments made by AHCCCS to rural hospitals during state fiscal year 2002.
 2. For each pool, calculate total payments to all rural hospitals in the pool as the sum of the claims paid amount used in Milliman study for all rural hospitals in the pool plus all disproportionate share hospital payments made by AHCCCS to rural hospitals in the pool during federal fiscal year 2002 and all critical access hospital payments made by AHCCCS to rural hospitals in the pool during state fiscal year 2002.
 3. Calculate the target cost coverage percentage by dividing the sum of the total payments to all rural hospitals as determined in subsection (a) and the Rural Hospital Supplemental Payment Funds by the sum of the calculated costs for all rural hospitals.
 4. Calculate the average cost coverage for each pool by dividing the sum of the claims paid amount used in the Milliman study for all rural hospitals in the pool and all disproportionate share hospital payments made by AHCCCS to rural hospitals in the pool during federal fiscal year 2002 and all critical access hospital payments made by AHCCCS to rural hospitals in the pool during state fiscal year 2002 by the total calculated cost for all rural hospitals in each pool.
 5. Calculate the cost-coverage weighting factor for each pool by dividing the target cost coverage percentage as determined in subsection (c) by the average cost coverage percentage for each pool as determined in subsection (d).
 6. Calculate each pool’s weighted payment by multiplying each pool’s cost-coverage weighting factor as determined in subsection (e) by the sum of claims paid amount for the prior state fiscal and any disproportionate share hospital payments and any critical access hospital payments made to the hospital during the prior state fiscal year.
 7. Calculate the percent of the supplement fund allocated to each pool by dividing the weighted payment for the pool as determined in subsection (f) by the total payments to all rural hospitals in each pool as determined in subsection (b).
 8. Allocate to each pool that portion of the Rural Hospital Supplemental Payment Funds equal to the percent calculated in (g) multiply by the rural hospital supplement payment funds.
- C.** On or before January 31 of each year, the Administration shall calculate the Rural Hospital Supplemental Payments due to each rural hospital in the following manner:
1. Calculate each hospital’s utilization percentage by dividing each hospital’s inpatient payments by the sum of inpatient payments for all rural hospitals in the same pool.
 2. Calculate each hospital’s estimated Rural Hospital Supplemental Payment by multiplying each hospital’s utilization percentage as determined in subsection (a) by the rural hospital supplemental payment funds allocated to that pool as determined in subsection (2)(g).
 3. Calculate each hospital’s estimated inpatient costs by multiplying the hospital’s inpatient covered charges by the hospital specific inpatient cost-to-charge ratios used as part of the Milliman study.
 4. If, for any hospital, the sum of the inpatient payments plus the estimated Rural Hospital Supplemental Payment to that hospital as determined in subsection (b) exceeds the hospital’s estimated inpatient costs as determined in subsection (c), the estimated Rural Hospital Supplemental Payment to that hospital shall be reduced by the difference.
 5. Any difference determined under subsection (d) shall be returned to the hospital’s pool and reallocated to the remaining hospitals in the pool as described in this rule.
- D.** The amounts payable as determined in subsection (3) shall be paid in two equal installments on or before January 31 and June 30 of each year.
- E.** For purposes of this rule, the words and phrases used in this rule have the following meanings unless the context specifically requires another meaning:

“Claims paid amount” means the sum of all claims paid by AHCCCS and its contractors to a rural hospital for AHC-

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CCS covered inpatient services.

“Calculated Cost” means the rural hospital’s cost for providing AHCCCS covered services as calculated in the Milliman study.

“Inpatient covered charges” means the sum of all charges billed by the hospital from AHCCCS or its contractors for covered charges for inpatient services during the state fiscal year preceding the most recently concluded state fiscal year (for example, for Rural Hospital Supplemental Payments made in state fiscal year ending June 30, 2006, use total AHCCCS inpatient covered charges for state fiscal year ending June 30, 2004).

“Inpatient payments” means the sum of: (1) the AHCCCS claims paid amount for the prior state fiscal year, (2) any disproportionate share hospital payments and any critical access hospital payments made to the hospital during the prior state fiscal year, and (3) any rural hospital supplemental payments made during the prior state fiscal year.

“Milliman study” means the report issued by Milliman USA on February 24, 2004 to the Arizona Hospital and Healthcare Association that updated the cost study portion of the hospital reimbursement study conducted under Arizona Laws 2001, Chapter 344, Section 109. A copy of each report is on file with the Administration.

“Rural Hospital” means a health care institution that is licensed as an non-IHS acute hospital, that has one hundred or fewer beds and that is located in a county with a population of less than five hundred thousand persons or a health care institution that is designated as a critical access hospital.

“Rural Hospital Supplemental Payment Funds” means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching those state funds.

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R05-364]

PREAMBLE

1. Sections Affected

R13-4-101
R13-4-105
R13-4-110
R13-4-111
R13-4-112
R13-4-114
R13-4-116

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-1822(A)(3) and (4)

Implementing statute: A.R.S. § 41-1822(A)(3) and (4)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 2393, June 24, 2005

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lyle Mann

Address: Arizona Peace Officers Standards and Training Board
2642 E. University
Phoenix, AZ 85034

Telephone: (602) 223-2514

Fax: (602) 244-0477

E-mail: Lmann@azpost.state.az.us

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5. An explanation of the rule, including the agency's reasons for initiating the rule:

Under its authority to prescribe reasonable minimum qualifications for peace officers, the Board is establishing a provision that enables an otherwise disqualified individual to be appointed if the Board determines that the disqualification results from a juvenile indiscretion. Under its authority to prescribe minimum training requirements for peace officers, the Board is requiring that an individual pass a Comprehensive Final Examination to complete the full-authority peace officer basic training course. The Board is also amending Sections to make them more clear, concise, and understandable.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Board will incur a one-time cost to develop the Comprehensive Final Examination. It will regularly incur the cost of administering and scoring the examination. This cost will be offset by the Board's ability to use the examination results to target additional training to students who need it and ultimately, by better trained peace officers.

A student who fails the comprehensive examination will have the cost of being unable to work as a peace officer. The Board does not anticipate that many students will never pass the examination but, the economic cost to a student who is unable to pass the examination is greatly offset by the benefit of protecting the public from an unqualified peace officer. The Board believes that the examination not only will result in increased quality of certified peace officers but also will serve as a tool to enhance the training of students.

The Board will have the cost of receiving and acting on a petition to determine whether otherwise disqualifying conduct constitutes juvenile indiscretion. An appointing agency will have the cost of preparing a petition. These costs will be offset by the expanded pool of potential peace officers. An individual whose otherwise disqualifying conduct is determined to be juvenile indiscretion will have the benefit of being eligible for appointment to a training academy.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lyle Mann
Address: Arizona Peace Officers Standards and Training Board
2642 E. University
Phoenix, AZ 85034
Telephone: (602) 223-2514
Fax: (602) 244-0477
E-mail: Lmann@azpost.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, November 16, 2005
Time: 8:00 a.m.
Location: Arizona Peace Officers Standards and Training Board
2642 E. University
Phoenix, AZ 85034

The rulemaking record will be closed at 5:00 p.m. on Friday, November 18, 2005.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

A.R.S. § 41-1823(A) provides that a minimum qualification for a law enforcement officer is not effective until six months after being filed with the Office of the Secretary of State. In this rulemaking, that provision applies to the amendment of R13-4-105, R13-4-110, and R13-4-111.

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

R13-4-101.	Definitions
R13-4-105.	Minimum Qualifications for Appointment
R13-4-110.	Basic Training Requirements
R13-4-111.	Certification Retention Requirements
R13-4-112.	Time-frames
R13-4-114.	Minimum Course Requirements
R13-4-116.	Academy Requirements

ARTICLE 1. GENERAL PROVISIONS

R13-4-101. Definitions

In this Article, unless the context otherwise requires:

“Academy” means an entity that conducts a the Board-prescribed ~~peace officer basic training course~~ courses for full-authority, specialty officer basic course, or limited-authority basic course peace officers.

“Agency” means a law enforcement entity empowered by the state of Arizona.

“Appointment” means the selection by an agency of a person to be a peace officer or peace officer trainee.

“Approved training program” means a course of instruction that meets Board-prescribed course requirements.

“Board” means the Arizona Peace Officer Standards and Training Board.

“Board-trained physician” means an occupational medicine specialist or a physician who has attended a Board course on peace officer job functions.

“Cancellation” means the annulment of certified status without prejudice to reapply for certification.

“Certified” means approved by the Board as being in compliance with A.R.S. Title 41, Chapter 12, Article 8 and this Chapter.

“CFE” means the Board-approved Comprehensive Final Examination that measures mastery of the knowledge and skills taught in the 585-hour full-authority peace officer basic training course.

“Denial” means the refusal of the Board to grant certified status.

“Dangerous drug or narcotic” means a substance identified in A.R.S. § 13-3401 as being a dangerous drug or narcotic drug.

“Experimentation” means the illegal use of marijuana; or a dangerous drug; or narcotic as described in R13-4-105(B) and (C).

“Full-authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by this Chapter.

“Lapse” means the expiration of certified status.

“Limited-authority peace officer” means a peace officer who is certified to perform the duties of a peace officer only in the presence and under the supervision of a full-authority peace officer.

“Limited correctional peace officer” means a peace officer who has authority to perform the duties of a peace officer only while employed by and on duty with the Arizona Department of Corrections, and only for the purposes of guarding, transporting, or pursuing persons under the jurisdiction of the Arizona Department of Corrections.

“Outside provider” means an entity other than the Board or an agency that makes training available to peace officers.

“Peace officer” ~~means the same as peace officer~~ has the meaning in A.R.S. § 1-215.

“Peace officer trainee” means a person recruited and appointed by an agency to attend an academy.

“Physician” means a person licensed to practice allopathic or osteopathic medicine in this or another state.

“Restriction” means the Board’s limitation on duties allowed to be performed by a certified peace officer.

“Revocation” means the permanent withdrawal of certified status.

“Service ammunition” means munitions that perform equivalently in all respects when fired during training or qualification to those carried on duty by ~~the~~ a peace officer.

“Service handgun” means the specific handgun or equivalent that ~~the~~ a peace officer carries for use on duty.

“Specialty officer” means a peace officer whose authority is limited to enforcing specific sections of the Arizona Revised Statutes or Arizona Administrative Code, as specified by the appointing agency’s statutory powers and duties.

“Success criteria” means a numerical statement that establishes the performance needed for a person to ~~successfully~~ demonstrate competency in a knowledge, task, or ability required by this Chapter.

“Suspension” means the temporary withdrawal of certified status.

“Termination” means the end of employment or service with an agency as a peace officer, ~~either~~ through removal, discharge, resignation, retirement, or otherwise.

R13-4-105. Minimum Qualifications for Appointment

- A. ~~Before~~ Except as provided in subsection (C) or (D), a person shall meet the following minimum qualifications before appointment being appointed to or attending an academy, ~~a person shall meet the following minimum qualifications:~~
1. Be a United States citizen;
 2. Be at least 21 years of age, ~~except that a person may attend an academy if the person will be~~ or attain the age of 21 before graduating;
 3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;
 4. Undergo a complete background investigation that meets the standards of R13-4-106, ~~except that a~~ A person may begin an academy before the results of the fingerprint check are returned. However, the academy shall not graduate the person shall not graduate from the academy and the agency Board shall not receive reimbursement reimburse the academy for the person’s training expenses until a qualifying fingerprint check return is obtained;
 5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the person shall submit a written statement indicating that the person’s medical condition has not changed since the examination;
 6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;
 7. Not have been dishonorably discharged from the United States Armed Forces;
 8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended;
 9. Not have illegally sold, produced, cultivated, or transported ~~marijuana~~ marijuana for sale marijuana;
 10. Not have illegally used marijuana for any purpose within the past three years;
 11. Not have ever illegally used marijuana other than for experimentation;
 12. Not have ever illegally used marijuana while employed or appointed as a peace officer;
 13. Not have illegally sold, produced, cultivated, or transported for sale any dangerous drug or narcotic, ~~other than marijuana;~~
 14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
 15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;
 16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;
 17. Not have a pattern of abuse of prescription medication;
 18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
 19. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of other persons on the highway;
 20. Read the code of ethics in subsection ~~(E)~~ (F) and affirm by signature the person’s understanding of and agreement to abide by the code.
- B. The illegal use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:
1. The use of marijuana exceeds a total of 20 times or exceeds five times since the age of 21 years; or
 2. The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.
- C. An agency head who wishes to appoint a person whose illegal use of marijuana or a dangerous drug or narcotic is presumed to be not for experimentation under this Section ~~shall~~ may petition the Board for a determination that, given the unique circumstances of the person’s use, the use was for experimentation. The petition shall:
1. Specify the type of illegal drugs used, the number of uses, the age at the time of each use, ~~and~~ the method by which

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the information regarding use of illegal drugs came to the agency's attention, and any attempt ~~made~~ by the agency head to verify the accuracy of the information; and

2. State the factors the agency head wishes the Board to consider in making its determination. ~~Those~~ These factors may include:
 - a. The duration of usage,
 - b. The motivation for use,
 - c. The time elapsed since the last use,
 - d. How the drug was obtained,
 - e. How the drug was ingested,
 - f. Why the ~~applicant~~ person stopped using the drug, and
 - g. Any other factor the agency head believes is relevant to the Board's determination.

D. An agency head who wishes to appoint a person whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:

1. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
2. Include sufficient information for the Board to determine that all of the following are true:
 - a. The conduct occurred when the person was less than age 18;
 - b. The conduct occurred more than 10 years before application for appointment;
 - c. The person has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
 - d. There is reason to believe that the person's immaturity at the time of the conduct contributed substantially to the conduct;
 - e. There is evidence that the person's maturity at the time of application makes reoccurrence of the conduct unlikely; and
 - f. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the person is certified.
3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.

~~D.E.~~ With respect to For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6), satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:

1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A)(18); and
2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.

~~E.F.~~ Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.

"I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty.

I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."

~~F.G.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-110. Basic Training Requirements

A. Required training for certified status. ~~A person~~ The Board shall not ~~receive grant~~ certified status ~~or~~ and a person shall not perform the duties of a peace officer until the person successfully completes basic training as follows:

1. A full-authority peace officer shall complete the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy.
 - a. To complete the full-authority peace officer basic training course, a person shall pass the CFE.
 - i. Board staff shall administer the CFE.

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- ii. The Board shall ensure that the CFE is administered during the final two weeks of the full-authority peace officer basic training course.
 - iii. A person passes the CFE by achieving a score of at least 70 percent on each of the three blocks of the CFE when each block is scored separately.
 - iv. A person who fails one or more blocks of the CFE may retake the failed block one time before the person is scheduled to graduate from the academy.
 - v. A person who fails a retake of a block of the CFE, as describe in subsection (A)(1)(a)(iv), may retake the failed block once more within 60 days from the original testing date if the person remains appointed by the original appointing agency or enrolled in the academy.
 - vi. A person who fails a second retake of a block of the CFE, as described in subsection (A)(1)(a)(v), may pursue certification only by repeating the 585-hour full-authority peace officer basic training course.
 - vii. An agency is not required to continue to appoint a person during the 60 days permitted for a second retake of a failed block of the CFE, as described in subsection (A)(1)(a)(v).
2. A specialty peace officer shall complete a Board-prescribed specialty peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy.
3. A limited-authority peace officer shall complete a Board-prescribed limited-authority peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy.
4. A limited correctional peace officer shall complete the correctional ~~service~~ officer basic course specified in R13-4-205 and the 48-hour limited correctional peace officer supplement course specified in R13-4-116, at the Arizona correctional officer training academy.
- B.** Exceptions. The training requirements in subsection (A) are waived when an agency uses a person during a:
- 1. ~~During a riot~~ Riot, insurrection, disaster, or other event that exhausts the peace officer resources of the agency and the person is attending an academy; or
 - 2. ~~During a field~~ Field training program that is a component of a basic training program at an academy, ~~when and~~ the person is under the direct supervision and control of a certified peace officer.
- C.** Firearms training required.
- 1. Unless otherwise specified in this Section, a peace officer shall complete the firearms qualification courses required in R13-4-116(E) ~~Section~~ before the peace officer carries a firearm in the course of duty.
 - 2. Before carrying a firearm in the course of duty, a limited correctional peace officer shall:
 - a. Meet the requirements of R13-4-206, and
 - b. Complete a night-time firearms qualification shoot based on the course of fire described in R13-4-206.
- D.** Waiver of required training. A person may apply to the Board for a waiver of required training if the person's whose certified status is lapsed or ~~a the person who~~ has functioned in the capacity of a peace officer in another state or for a federal law enforcement agency ~~may apply to the Board for a waiver of required training. If the~~ The Board shall grant a complete or partial waiver of required training if the Board determines that the best interests of the law enforcement profession are served, ~~and the public welfare and safety is are not jeopardized, the Board shall grant a complete or partial waiver if and:~~
- 1. The appointing agency submits to the Board An application and written verification of the person's previous experience and training are submitted by the appointing agency on a form prescribed by the Board;
 - 2. The person meets the minimum qualifications listed in R13-4-105;
 - 3. The person complies with the requirements of R13-4-103(E)(1);
 - 4. The appointing agency complies with the requirements of R13-4-106(C); ~~and;~~
 - 5. The person successfully completes an examination measuring the person's comprehension of the full-authority peace officer basic training course as follows:
 - a. ~~A person who,~~ If during the last three years, a person has at least two years of experience as a peace officer in another state or for a federal law enforcement agency, and whose the person submits to the Board basic training and in-service training records that the Board determines demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the person shall take-pass the portions of the CFE an examination composed of covering legal and liability issues specific to Arizona ~~from topical areas listed in R13-4-116(E)(1);~~
 - b. ~~A person whose~~ If a person's certification is lapsed, the person shall take a comprehensive examination covering all of the functional areas specified in R13-4-116(E)(1) pass all blocks of the CFE; or
 - c. ~~A person whose~~ If a person's out-of-state or federal law enforcement experience does not meet the criteria of criterion in subsection (D)(5)(a), but ~~whose the Board determines that the person's~~ basic training and in-service training records demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the person shall take a comprehensive examination covering all of the functional areas specified in R13-4-116(E)(1) pass all blocks of the CFE; and
 - 6. In addition to the ~~written test examination required under subsection (D)(5),~~ the person satisfactorily performs the practical demonstrations of proficiency in physical aptitude, defensive driving, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).

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E. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-111. Certification Retention Requirements

A. Continuing training required.

1. The following continuing training standards apply for a peace officer to retain certification:
 - a. A full-authority peace officer shall complete eight hours of continuing training each calendar year beginning January 1, following the date the officer ~~was~~ is certified.
 - b. A specialty officer, ~~or~~ limited-authority peace officer, or limited correctional peace officer shall complete eight hours of continuing training every three calendar years beginning January 1, following the date the officer ~~was~~ is certified.
 - c. ~~A limited correctional peace officer shall complete eight hours of continuing training every three years beginning on January 1, following the date the officer was certified.~~
2. Continuing training course standards for peace officers. The provider of a continuing training course shall ensure that:
 - a. ~~The curriculum for a continuing training course shall~~ The course curriculum ~~consist~~ consists of advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1); ;
 - b. ~~The instructor for a continuing training course shall~~ The instructor ~~meet~~ meets the requirements of R13-4-114(A)(2)(a) or (b); and ;
 - c. ~~The training provider shall provide to each attendee for audit purposes an~~ An attendance verification certificate that , which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;
 - d. ~~If the training provider is an agency, the agency shall make available to the Board for audit purposes, an attendance rosters roster and the lesson plan or other information sufficient to determine compliance with this Section.~~ is made available to the Board for audit purposes ;
 - e. ~~If the training provider is an outside provider, such as an individual, a corporation, business, company, or governmental entity, that does not seek confirmation that the course meets the requirements under subsection (A)(3)(c), the outside provider shall provide to the attendees a copy of the lesson plan or other information sufficient to determine compliance with this Section, or is given to each attendee; and~~
 - f. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (A)(3)(c), the provider shall distribute a copy of the Board's written confirmation~~ is distributed to the each attendee.
3. Training providers. Courses of continuing training may be conducted by the Board, an agency, or an outside provider.
 - a. ~~All Board-provided courses for continuing training courses provided by the Board meet meet~~ the requirements of this Section.
 - b. Agency-provided continuing training courses ~~meets~~ meet the requirements of this Section if all the requirements of subsection (A)(2) are met.
 - c. Outside-provider continuing training courses ~~meets~~ meet the requirements of this Section if all the requirements of subsection (A)(2) are met. The Board shall inform an outside provider in writing whether ~~the a continuing training~~ a continuing training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in R13-4-116;
 - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(a) or (b) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that the training outside provider shall make the lesson plan or other information sufficient to determine compliance with this Section available to the Board for audit purposes, and ~~that the requirements shall ensure that the requirement~~ of subsection (A)(2)(b) ~~will be~~ is met.
 - d. The Board's confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (A)(3)(c) ~~remains accurate and is~~ unchanged.
4. A limited correctional peace officer ~~may also satisfy~~ satisfies the requirements of this Section ~~with~~ by obtaining training ~~that is:~~
 - a. Approved under R13-4-206,
 - b. Provided by an instructor who meets the requirements of R13-4-205(C)(5), and
 - c. ~~Addressing a topic area enumerated~~ On a topic area listed in R13-4-116(E)(4).
5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer ~~as required~~ under subsection (A)(2)(c), (A)(2)(e), or (A)(2)(f). The appointing agency shall maintain the documents ~~shall be maintained by the appointing agency and made~~ make them available for Board audit.

B. Proficiency training required.

1. To retain certification, ~~each~~ a peace officer ~~below the first level who is not in a~~ supervisory position within the peace

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officer's appointing agency shall complete eight hours of proficiency training every three years beginning January 1, following the date the peace officer ~~was~~ is certified.

2. Proficiency training course standards. The provider of a proficiency training course shall ensure that:
 - a. ~~Proficiency training is training that~~ The training requires the physical demonstration of one or more performance objectives included in the 585-hour Full Authority Peace Officer Basic Course full-authority peace officer basic training course under R13-4-116 and also requires the demonstration of the use of judgment in the application of ~~that the physical act;~~ ;
 - b. ~~The curriculum for a proficiency training course shall consist~~ consists of advanced or remedial instruction on one or more of the following topic areas:
 - i. Defensive tactics and impact weapons,
 - ii. Tactical firearms (not the annual firearms qualification required under this Section),
 - iii. Emergency vehicle operations,
 - iv. Pursuit operations,
 - v. First aid and emergency care,
 - vi. Physical conditioning, and
 - vii. High-risk stops; ;
 - c. ~~The instructor for a proficiency training course shall meet~~ meets the requirements of R13-4-114(A)(2)(c); ;
 - d. ~~The training provider shall provide an~~ An attendance verification certificate, which includes to each attendee for audit purposes including a statement that the provider believes the course meets the requirements of this Section, ~~is given to each attendee for audit purposes;~~ ;
 - e. ~~If the training provider is an agency, the agency shall make available to the Board for audit purposes, an attendance roster and the lesson plan or other information sufficient to determine compliance with this Section, and attendance rosters;~~ is made available to the Board for audit purposes;
 - f. ~~If the training provider is an outside provider, such as an individual, corporation, business, company, or governmental entity that does not seek confirmation under subsection (B)(3)(c) that the course meets the requirements of this Section, the outside provider shall provide to the attendees a copy of the lesson plan or other information sufficient to determine compliance with this Section;~~ is given to each attendee; and
 - g. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (B)(3)(c), the outside provider shall distribute a copy of the Board's written confirmation~~ is given to the each attendee.
 3. Training providers. Proficiency training courses may be conducted by the Board, an agency, or an outside provider.
 - a. ~~All Board-provided proficiency training courses of proficiency training provided by the Board~~ meet the requirements of this Section.
 - b. ~~Agency-provided proficiency training~~ meets ~~courses meet~~ the requirements of this Section if all the requirements of subsection (B)(2) are met.
 - c. ~~Outside-provider proficiency training courses may~~ meet the requirements of this Section if all the requirements of subsection (B)(2) are met. The Board shall inform an outside provider in writing whether ~~the a proficiency training course~~ a proficiency training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in subsection (B)(2);
 - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(c) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that the ~~training outside~~ provider ~~will shall~~ make the lesson plan and other information sufficient to determine compliance with this Section available to the Board for audit purposes, and shall ensure that the ~~requirements~~ requirement of subsection (B)(2)(d) ~~will be~~ is met.
 - d. The Board's confirmation that a proficiency training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (B)(3)(c) ~~remains accurate and is~~ unchanged.
 4. A limited correctional peace officer ~~may also satisfy~~ satisfies the requirements of this Section ~~with~~ by obtaining training ~~that is:~~
 - a. Approved in R13-4-206,
 - b. Provided by an instructor who meets the requirements of R13-4-205(C), and
 - c. ~~Addressing On~~ On a topic area ~~enumerated listed~~ listed in subsection (B)(2)(b) except ~~(B)(2)(d) (B)(2)(b)(iv).~~
 5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer ~~as required~~ under subsection (B)(2)(d), (B)(2)(f) or (B)(2)(g). The appointing agency shall maintain the documents ~~shall be maintained by the appointing agency and made~~ make them available for Board audit.
- C. Firearms qualification required. A peace officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each calendar year ~~beginning the year~~ following certification. ~~The peace officer shall qualify~~ by complet-

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ing a Board-prescribed firearms qualification course, using a service handgun and service ammunition, and a Board-prescribed target identification and judgment course.

1. Firearms qualification course standards.
 - a. A firearms qualification course is a course;
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure firearms competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. ~~A~~ The provider of a firearms qualification course shall include ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target that is equal to, or more difficult than, targets used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 2. Firearms target identification and judgment course standards.
 - a. A firearms target identification and judgment course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure target identification and judgment competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. ~~A~~ The provider of a firearms target identification and judgement judgment course shall include; ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target discrimination test that is equal to, or more difficult than, those used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 3. ~~Firearms~~ The provider of a firearms qualification courses and or firearms target identification and judgment courses course shall be instructed ensure that the course is taught by a firearms instructor ~~meeting who meets~~ the requirements of R13-4-114(A)(2)(c).
- D. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-112. Time-frames

- A. For the purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for peace officer certification:
1. Administrative completeness review time-frame: 90 days.
 2. Substantive review time-frame: 180 days.
 3. Overall time-frame: 270 days.
- B. The administrative completeness review time-frame begins on the date the Board receives the ~~document report~~ required by R13-4-108(A)(1) from an appointing agency.
1. Within 90 days, the Board shall review the application file report and issue to the appointing agency a statement of administrative completeness or a notice of administrative deficiencies that lists each ~~item required by document or~~ item of information establishing compliance with R13-4-105 that is missing.
 2. If the Board issues a notice of administrative deficiency, the appointing agency shall ~~submit~~ make the missing documents and information available to the Board within 90 days of the notice. The administrative completeness review time-frame is suspended from the date of the deficiency notice until the date ~~the Board receives~~ the missing documents and information are made available to the Board.
 3. If the appointing agency fails to ~~provide the~~ make available all missing documents and information within the 90 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
 4. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the appointing agency.
- C. The substantive review time-frame begins on the date the Board issues the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information.
 2. The appointing agency shall ~~submit~~ make available to the Board the additional information identified in the request for additional information within 60 days. The time-frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until ~~the Board receives~~ the additional information is made available to the Board.
 3. ~~The~~ If the appointing agency fails to make available ~~Board shall close the file of an applicant if the additional information requested is not supplied~~ within the 60 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.

4. When the substantive review is complete, the Board shall grant or deny certification.

R13-4-114. Minimum Course Requirements

- A. Instructors. ~~A An academy administrator or agency head shall ensure that only an instructor who meets the requirements of this Section facilitates a Board-prescribed course shall be facilitated by an instructor meeting the requirements of this Section.~~
1. Instructor classifications.
 - a. General instructor. A person qualified to teach topics not requiring a proficiency instructor under subsection (A)(1)(c).
 - b. Specialist instructor. A person, other than an Arizona peace officer, qualified to teach a topic in which the instructor has special expertise but who does not qualify for general instructor status.
 - c. Proficiency instructor. A person qualified to teach a topic area listed in R13-4-111(B)(2)(b).
 2. Instructor qualification standards.
 - a. A general instructor shall meet the requirements of ~~(i) and (iv) of this subsection~~ subsections (A)(2)(a)(i) and (A)(2)(a)(ii) and either the requirement of (ii) or (iii) subsection (A)(2)(a)(iii) or (A)(2)(a)(iv):
 - i. Have two years experience as a certified peace officer;
 - ~~ii. Maintain instructional competency;~~
 - ~~iii.~~ Successfully complete a Board-sponsored instructor training course or an instructor training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;
 - ~~iv.~~ Possess a community college or university teaching certificate;
 - ~~iv. Maintain instructional competency.~~
 - b. A specialist instructor shall meet the requirements of ~~(i) and (vi) of this subsection, subsections (A)(2)(b)(i) and (A)(2)(b)(ii) and either (ii) or (iii), and either (iv) or (v) subsection (A)(2)(b)(iii) or subsections (A)(2)(b)(iv) and (A)(2)(b)(v):~~
 - i. ~~Have the nomination of~~ Be nominated by an agency head or the administrator of an academy authorized to provide a ~~basic~~ peace officer basic training course;
 - ~~ii. Maintain instructional competency;~~
 - ~~iii.~~ Possess a professional license or certification other than a peace officer certification that relates to the topics to be taught;
 - ~~iv.~~ Provide documentation that demonstrates the expertise and ability to enhance peace officer training in a special field;
 - ~~iv. Successfully complete a Board-sponsored instructor training course or a training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;~~
 - v. Possess a community college or university teaching certificate;
 - ~~vi. Maintain instructional competency.~~
 - c. A proficiency instructor shall meet the requirements of ~~(i) and (iv) of this subsection~~ subsections (A)(2)(c)(i) and (A)(2)(c)(ii) and either (ii) or (iii) subsection (A)(2)(c)(iii) or (A)(2)(c)(iv):
 - i. Meet the requirements for general instructor;
 - ~~ii. Maintain instructional competency;~~
 - ~~iii.~~ Successfully complete a proficiency instructor course in a topic area listed in R13-4-111(B)(2)(b) that includes a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - ~~iv.~~ Complete a form prescribed by the Board; that documents advanced training and experience in the topic area including a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course as listed in R13-4-116(E);
 - ~~iv. Maintain instructional competency.~~
 - d. A proficiency instructor shall meet the requirements of subsection (A)(2)(c) separately for each topic area listed in R13-4-111(B)(2)(b) for which the proficiency instructor seeks qualification.
 3. Instructional competency. An academy administrator or an agency head shall immediately notify the Board in writing of any instructor:
 - a. Who jeopardizes the safety of students or the public,
 - b. Whose instruction violates acceptable training standards,
 - c. Who is grossly deficient in performance as an instructor, or
 - d. Who is a proficiency instructor and is no longer able to ~~satisfactorily~~ satisfactorily complete satisfactorily the competency assessment to instruct in the instructor's topic area within the 585-hour full-authority peace officer basic training course.
 4. ~~Retention of instructor status.~~ If the Board determines that an instructor fails to comply with the provisions of this Section, has an instructional deficiency, or fails to maintain proficiency, any course facilitated by the instructor does not meet the requirements of this Section.

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B. Curriculum Standards. ~~Curriculum~~ An academy administrator or agency head shall ensure that the curriculum for a Board-prescribed ~~courses~~ course ~~shall meet~~ meets the following standards: :

1. Curriculum.
 - a. Curriculum development shall employ valid, job-based performance objectives and learning activities, and promote student, officer, and public safety, as determined by a scientifically conducted validation study of the knowledge, skills, abilities, and aptitudes needed by the affected category of Arizona peace officer.
 - ~~b. The Board shall maintain and provide upon request, a copy of curricula that meet the standards of this Section.~~
 - ~~e.b.~~ Curriculum for a Board-prescribed course shall meet or exceed the requirements of subsection (B)(2), unless otherwise provided in this Section.
2. Curriculum format standard. Curriculum used for a Board-prescribed course shall consist of the following:
 - a. A general statement of instructional intent that summarizes a desired learning outcome, ~~The statement is broad in scope, has a general statement of desired outcome,~~ and includes long-term or far-reaching learning goals: :
 - b. Lesson plans containing:
 - i. Course title,
 - ii. Hours of instruction,
 - iii. Materials and aids to be used,
 - iv. Instructional strategy,
 - v. Topic areas in outline form,
 - vi. Performance objectives or learning activities,
 - vii. Success criteria, and
 - viii. Reference material;
 - c. Performance objectives consisting of at least the following components:
 - i. The learner student, which is an individual or group that performs a behavior as the result of instruction;
 - ii. The behavior, which is an observable demonstration by the learner student at the end of instruction that shows that the objective is achieved and allows evaluation of the learner's student's capabilities to perform the behavior; and
 - iii. The conditions, which is a description of the important conditions of instruction or evaluation under which the learner student performs the behavior. Unless specified otherwise within the lesson plan, instruction and evaluation will be in written or oral form;
 - d. Learning activities. A student is not required to demonstrate learning mastery of learning activities as a condition for successfully completing the training. Learning activities are subject areas for which performance objectives are not appropriate because either:
 - i. Reliable and meaningful assessment of mastery of the material would be extremely difficult or impossible, or
 - ii. Mastery of the material is not likely to bear a direct relationship to the ability to perform entry-level peace officer job duties; and
 - e. The following decimal numbering system to provide a logical means of organization:
 - i. Functional area (1.0, 2.0, 3.0)
 - ii. Topic area (1.1.0, 1.2.0, 1.3.0), and
 - iii. Performance objective or learning activity (1.1.1, 1.1.2, 1.1.3).
3. The Board shall maintain and provide upon request a copy of curricula that meet the standards of this Section.

R13-4-116. Academy Requirements

- A. Unless otherwise provided in this Article, only an academy that the Board determines meets the standards prescribed in this Section may provide the basic training required to receive certified peace officer status.
- B. ~~An~~ The academy administrator shall ensure that the academy shall have ~~has~~ the following:
 1. A classroom with adequate heating, cooling, ventilation, lighting, and space;
 2. Chairs with tables or arms for writing;
 3. Visual aid devices for classroom presentation;
 4. Equipment in good condition for specialized instruction;
 5. A safe driving range for conducting the defensive and pursuit driving course;
 6. A firing range with adequate backstop to ensure the safety of all persons on or near the range; and
 7. A safe location for practical exercises.
- C. Administrative requirements. ~~An~~ The academy administrator shall ensure that the academy shall:
 1. ~~Establish~~ Establishes and ~~maintain~~ maintains written policies, procedures, and rules concerning the operation of the academy, entrance requirements, and student and instructor conduct;
 2. ~~Admit~~ Admits only persons who meet the requirements of R13-4-105, as attested to by the appointing agency on a form prescribed by the Board;
 3. ~~Administer~~ Administers to each student at the beginning of each academy session a written examination prescribed

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- by the Board measuring competency in reading and writing English;
4. ~~Administer a standardized comprehensive examination prescribed by the Board to all students before graduation~~ Schedules sufficient time for Board staff to administer the CFE as required by R13-4-110(A); and
 5. ~~Ensure that all~~ Employs only instructors who are qualified under R13-4-114(A).
- D. Academic requirements. ~~An~~ The academy administrator shall ensure that the academy shall:
1. ~~Establish~~ Establishes a curriculum with performance objectives and learning activities that meet the requirements of R13-4-114(B) and subsection (E) of this Section and R13-4-114(B);
 2. ~~Require~~ Requires instructors to use lesson plans that cover the course content and list the performance objectives to be achieved and learning activities to be used;
 3. ~~Administer~~ Administers written, oral, or practical demonstration examinations that measure the attainment of performance objectives;
 4. ~~Review~~ Reviews examination results with each student. ~~The~~ and ensures that the student ~~shall make~~ makes and ~~understand~~ understands any necessary corrections and ~~sign~~ signs and ~~date~~ dates an acknowledgment that the student participated in the review;
 5. ~~Require~~ Requires a student to ~~successfully~~ complete successfully an examination in each topic area before graduating.
 - a. Successful completion of a written or oral examination is a score of 70 percent or greater.
 - b. For a student who scores less than 70 percent, the academy shall:
 - i. Provide remedial training ~~to the student~~; and
 - ii. Re-examine the student in the area of deficiency.
 - c. The academy shall ~~not~~ allow a student to ~~take more than one re-examination per~~ retake an examination in a topic area only once;
 6. ~~Require~~ Requires a student to qualify with firearms as described in R13-4-116(E);
 7. ~~Ensure~~ Ensures that a student meets the success criteria for police proficiency skills under subsection (E)(1);
 8. ~~Provide~~ Provides remedial training for a student who misses a class before allowing the student to graduate; and
 9. ~~Not allow a student~~ Refuses to graduate a student who ~~has been~~ is absent more than 32 hours from the full-authority peace officer basic training course or 16 hours from a ~~the~~ specialty officer ~~basic course~~ or limited-authority peace officer basic training course.
- E. Basic course requirements. ~~An~~ The academy administrator shall ensure that the academy ~~shall use~~ uses curricula that meet the requirements of R13-4-114 for the following basic courses of instruction.
1. The 585-hour full-authority ~~basic~~ peace officer basic training course shall include all of the topics listed in each of the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement.
 - i. Criminal justice systems,
 - ii. History of law enforcement,
 - iii. Law enforcement services,
 - iv. Supervision and management,
 - v. Ethics and professionalism, and
 - vi. Stress management.
 - b. Functional Area II - Law and Legal Matters.
 - i. Introduction to criminal law,
 - ii. Laws of arrest,
 - iii. Search and seizure,
 - iv. Rules of evidence,
 - v. Summonses, subpoenas, and warrants,
 - vi. Civil process,
 - vii. Administration of criminal justice,
 - viii. Juvenile law and procedures,
 - ix. Courtroom demeanor,
 - x. Constitutional law,
 - xi. Substantive criminal law, A.R.S. Titles 4, 13, and 36, and
 - xii. Liability issues.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation (part 1),
 - ii. Patrol and observation (part 2),
 - iii. Domestic violence,
 - iv. Mental illness,
 - v. Crimes in progress,
 - vi. Crowd control formations and tactics,

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- vii. Bomb threats and disaster training,
- viii. Intoxication cases,
- ix. Communication and police information systems,
- x. Hazardous materials,
- xi. Bias-motivated crimes,
- xii. Fires, and
- xiii. Civil Disputes.
- d. Functional Area IV - Traffic Control.
 - i. Impaired driver cases,
 - ii. Traffic citations,
 - iii. Traffic collision investigation,
 - iv. Traffic collision (practical),
 - v. Traffic direction, and
 - vi. Substantive Traffic Law, A.R.S. Title 28.
- e. Functional Area V - Crime Scene Management.
 - i. Preliminary investigation and crime scene management,
 - ii. Crime scene investigation (practical),
 - iii. Physical evidence procedures,
 - iv. Interviewing and questioning,
 - v. Fingerprinting,
 - vi. Sex crimes investigations,
 - vii. Death Investigations (including training certified by the Department of Health Services on sudden infant death syndrome),
 - viii. Organized crime activity,
 - ix. Investigation of specific crimes, and
 - x. Narcotics and dangerous drugs.
- f. Functional Area VI - Community and Police Relations.
 - i. Cultural awareness,
 - ii. Victimology,
 - iii. Interpersonal communications,
 - iv. Crime prevention, and
 - v. Police and the community.
- g. Functional Area VII - Records and Reports. Report writing.
- h. Functional Area VIII - Police Proficiency Skills.
 - i. First aid,
 - ii. Firearms training (including firearms qualification),
 - iii. Physical conditioning,
 - iv. High risk stops,
 - v. Defensive tactics,
 - vi. Vehicle operations, and
 - vii. Pursuit operations.
- i. Functional Area IX - Orientation and Introduction.
 - i. Examinations and reviews,
 - ii. Counseling, and
 - iii. Non-Board specified courses.
- 2. The specialty peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority ~~basic~~ peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
- 3. The limited-authority peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority ~~basic~~ peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
- 4. The 48-hour limited correctional peace officer supplement course shall include all of the topics listed in the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement: Management and Supervision.
 - b. Functional Area II - Law and Legal Matters.
 - i. Laws of arrest, and
 - ii. Search and seizure.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation, and
 - ii. Bias-motivated crimes.
 - d. Functional Area IV - Crime Scene Management.

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- i. Preliminary investigation, and
 - ii. Crime scene management.
- e. Functional Area V - Proficiency Skills.
 - i. First aid, and
 - ii. Firearms training.
- ~~f.5.~~ Administrative functions such as orientation, introductions, examinations and reviews, and counseling are exempt from the requirements of R13-4-114(B).
- F. Records required. ~~At~~ The academy administrator shall ensure that the following records are maintained and ~~make them~~ made available for inspection by the Board or staff. ~~At~~ The academy administrator shall provide to the Board copies of records upon request.
 - 1. A record of all students attending the academy;
 - 2. A manual containing the policies, procedures, and rules of the academy;
 - 3. A document signed by each student ~~attending the academy~~ indicating that the student ~~has~~ received and read a copy of the academy policies, procedures, and rules;
 - 4. An application from the appointing agency for each student ~~in attendance~~ attesting that the requirements of R13-4-105 are met;
 - 5. A copy of all lesson plans used by instructors; ~~and after the initial inspection under subsection (H), the academy administrator shall annually review and approve each lesson plan used in the academy, and shall sign and date an~~
 - 6. An annually signed and dated acknowledgment that the academy administrator reviewed and approved each lesson plan used at the academy of approval for each lesson plan;
 - ~~6-7.~~ A copy of all examinations, answer sheets or records of performance, and examination review acknowledgments;
 - ~~7-8.~~ An attendance roster for all classes or other record that identifies absent students;
 - ~~8-9.~~ A record of classes missed by ~~students attending the academy~~ each student and the remedial training ~~they~~ received;
 - ~~9-10.~~ A record of disciplinary actions for all ~~persons attending the academy~~ students; and
 - ~~10-11.~~ A file for each ~~person attending the academy~~ student containing ~~that person's~~ the student's performance history.
- G. Reports required. The academy administrator shall submit to the Board:
 - 1. At least ~~ten~~ 10 working days before the start of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 - 2. No more than five working days after the start of each academy session, on a form prescribed by the Board, a roster containing the appointing agency, full name, and ~~social security~~ Social Security number of each student ~~in attendance~~;
 - 3. No more than five working days after ~~the dismissal of~~ dismissing a student ~~attending an academy~~ from the academy, notification of the dismissal and the reason;
 - 4. ~~On~~ No later than the tenth day of each month, a report containing:
 - a. A summary of training activities and progress of the academy class to date;
 - b. Unusual occurrences, accidents, or liability issues; and
 - c. Other problems or matters of interest noted in the course of the academy, if not included under subsection (H)(4)(b);
 - 5. No more than ~~ten~~ 10 working days after the end of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 - 6. No more than ~~ten~~ 10 working days after the end of each academy session, on a form prescribed by the Board, a roster containing the appointing agency, full name, and ~~social security~~ Social Security number of each ~~person~~ student successfully completing the training, ~~on a form prescribed by the Board.~~
- H. Required inspections. Before an academy provides training to persons seeking certification for any category of peace officer, the Board staff shall conduct an onsite inspection of the academy to determine compliance with this Section and R13-4-114. Board staff shall conduct additional inspections as often as the Board deems necessary. ~~Following an inspection:~~
 - 1. Within 30 days ~~of~~ after the inspection, the Board staff shall provide to the academy administrator an inspection report ~~including any that lists any deficiencies identified and remedial action~~ actions the academy is required to take to comply with the standards of this Section and R13-4-114;
 - 2. Within 30 days ~~of~~ after receipt of the inspection report, the academy administrator shall submit to the Board a response that ~~identifies~~ indicates the progress made to complete the remedial ~~action~~ actions ~~taken or to be taken necessary~~ to correct ~~any~~ the deficiencies described in the inspection report. The academy administrator shall submit to the Board additional responses every 30 days until all remedial action is complete.
 - 3. Within 30 days ~~of~~ after receipt of notice that all remedial action ~~has been completed~~ is complete, Board staff shall conduct another inspection.
 - 4. Following each inspection, Board staff shall present an inspection report to the Board describing the academy's compliance in meeting the standards of this Section and R13-4-114.
- I. ~~When~~ If an academy ~~ceases to~~ does not conduct a ~~basic~~ peace officer basic training course for 12 consecutive months, the

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academy shall not provide training until Board staff conducts another inspection as required by subsection (H). Otherwise, an academy may continue to provide training unless the Board determines that the academy is not in compliance with the standards of this Section ~~and~~ or R13-4-114.

- J. If the Board finds that an academy fails to comply with the provisions of this Section or R13-4-114, the academy ~~may~~ shall not provide training to persons seeking to be certified as peace officers.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

[R05-360]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R19-3-101 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 5-504(B), 5-509, and 5-523
Implementing statutes: A.R.S. §§ 5-504(B), 5-509, and 5-523
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 1028, March 4, 2005
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|--|
| Name: | Katie Pushor, Executive Director |
| Address: | Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034 |
| Telephone: | (480) 921-4505 |
| Fax: | (480) 921-4488 |
| E-mail: | kpushor@azlottery.gov |
| Or | |
| Name: | Pam Scharon, Budget Manager |
| Address: | Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034 |
| Telephone: | (480) 921-4489 |
| Fax: | (480) 921-4425 |
| E-mail: | pscharon@azlottery.gov |
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
Article 1 provides general definitions for the Arizona Lottery's rules. The rulemaking defines terms specific to the Lottery industry to enable the public to better understand the rules. The amended rule removes outdated terminology and adds new language as necessary for greater clarification.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

This rulemaking is intended to clarify existing rules by defining terms specific to the Lottery industry and terms found elsewhere in Title 19, Chapter 3. The Lottery anticipates this rule will mainly affect Lottery retailers, contracted vendors, and players but is not expected to have an economic impact on these stakeholders.

A. *Businesses Directly Affected by this Rulemaking.* Lottery retailers and contracted vendors are the only businesses directly impacted by this rule. The definitions contained in this Article will assist retailers and contractors in understanding other Lottery rules applicable to their operations.

B. *Consumers and the Public.* There are no costs to the public associated with this rulemaking. The definitions of terms common to the lottery industry will assist players in understanding how to play Lottery games and claim winning prizes.

This rulemaking is informational in nature and will not have any identifiable economic impact on the Lottery, political subdivisions of the state, private and public employment, the general public, or state revenues.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Katie Pushor, Executive Director

Address: Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034

Telephone: (480) 921-4505

Fax: (480) 921-4488

E-mail: kpushor@azlottery.gov

Or

Name: Pam Scharon, Budget Manager

Address: Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034

Telephone: (480) 921-4489

Fax: (480) 921-4425

E-mail: pscharon@azlottery.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: November 18, 2005

Time: 10:00 a.m.

Location: Arizona Lottery
4740 E. University Dr.
Phoenix, AZ 85034

Nature: Oral Proceeding

The close of record is 5:00 p.m. on November 17, 2005, for written comments and at the end of the oral proceeding for verbal comments.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 1. GENERAL

Section
R19-3-101. Definitions

ARTICLE 1. GENERAL

R19-3-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Act" means Title 5, Chapter 5, Article 1 of the Arizona Revised Statutes.
2. "Controlling agent" means any of the retailer's substantial stockholders, directors, officers, managerial employees, or other persons directly or indirectly controlling or operating the retailer's business.
3. "Instant contractor" means an entity that has a contract with the Lottery to perform the essential functions which support the daily operation of the instant Lottery games.
- 3.4. "On-line contractor" means ~~a person employed by~~ an entity that has a contract with the Lottery to ~~conduct~~ perform the essential functions which support the daily operation of the ~~On-line~~ on-line and instant Lottery games.
- 4.5. "Partial pack of tickets" means ~~an open pack less than a complete pack~~ of consecutively numbered and connected tickets. If a pack is broken into individual tickets, each individual ticket shall be considered a partial pack.
6. "Prize fund" means the non-expendable state trust fund that contains money transferred from Lottery sales to be used for Lottery game prizes.
7. "Prize pool" means a percentage of game sales transferred to the prize fund for payment of game prizes.
- 5.8. "Retailer" means ~~a person who has been licensed by the Commission to sell lottery tickets~~ provider of sales and redemptions services for Lottery products.
6. "Substantial stockholder" means ~~any person holding a sufficient amount of any class of stock or securities to create a controlling interest in the business.~~
- 7.9. "Ticket" means ~~a lottery ticket issued by the State Lottery for sale to the general public~~ game play or plays.